

1-1 By: Fraser S.B. No. 1211  
1-2 (In the Senate - Filed February 27, 2009; March 13, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 7, 2009, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; April 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the liability of a volunteer audiologist, assistant in  
1-9 audiology, speech-language pathologist, or assistant in  
1-10 speech-language pathology.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subdivision (5), Section 84.003, Civil Practice  
1-13 and Remedies Code, is amended to read as follows:

1-14 (5) "Volunteer health care provider" means an  
1-15 individual who voluntarily provides health care services without  
1-16 compensation or expectation of compensation and who is:

1-17 (A) an individual who is licensed to practice  
1-18 medicine under Subtitle B, Title 3, Occupations Code;

1-19 (B) a retired physician who is eligible to  
1-20 provide health care services, including a retired physician who is  
1-21 licensed but exempt from paying the required annual registration  
1-22 fee under Section 156.002, Occupations Code;

1-23 (C) a physician assistant licensed under Chapter  
1-24 204, Occupations Code, or a retired physician assistant who is  
1-25 eligible to provide health care services under the law of this  
1-26 state;

1-27 (D) a registered nurse, including an advanced  
1-28 nurse practitioner, or vocational nurse, licensed under Chapter  
1-29 301, Occupations Code, or a retired vocational nurse or registered  
1-30 nurse, including a retired advanced nurse practitioner, who is  
1-31 eligible to provide health care services under the law of this  
1-32 state;

1-33 (E) a pharmacist licensed under Subtitle J, Title  
1-34 3, Occupations Code, or a retired pharmacist who is eligible to  
1-35 provide health care services under the law of this state;

1-36 (F) a podiatrist licensed under Chapter 202,  
1-37 Occupations Code, or a retired podiatrist who is eligible to  
1-38 provide health care services under the law of this state;

1-39 (G) a dentist licensed under Subtitle D, Title 3,  
1-40 Occupations Code, or a retired dentist who is eligible to provide  
1-41 health care services under the law of this state;

1-42 (H) a dental hygienist licensed under Subtitle D,  
1-43 Title 3, Occupations Code, or a retired dental hygienist who is  
1-44 eligible to provide health care services under the law of this  
1-45 state;

1-46 (I) an optometrist or therapeutic optometrist  
1-47 licensed under Chapter 351, Occupations Code, or a retired  
1-48 optometrist or therapeutic optometrist who is eligible to provide  
1-49 health care services under the law of this state;

1-50 (J) a physical therapist or physical therapist  
1-51 assistant licensed under Chapter 453, Occupations Code, or a  
1-52 retired physical therapist or physical therapist assistant who is  
1-53 eligible to provide health care services under the law of this  
1-54 state; ~~or~~

1-55 (K) an occupational therapist or occupational  
1-56 therapy assistant licensed under Chapter 454, Occupations Code, or  
1-57 a retired occupational therapist or occupational therapy assistant  
1-58 who is eligible to provide health care services under the law of  
1-59 this state; or

1-60 (L) an audiologist, assistant in audiology,  
1-61 speech-language pathologist, or assistant in speech-language  
1-62 pathology licensed under Chapter 401, Occupations Code, or a  
1-63 retired audiologist, assistant in audiology, speech-language  
1-64 pathologist, or assistant in speech-language pathology who is

2-1 eligible to provide health care services under the laws of this  
2-2 state.

2-3 SECTION 2. The changes in law made by this Act apply only to  
2-4 a cause of action that accrues on or after the effective date of  
2-5 this Act. An action that accrues before the effective date of this  
2-6 Act is governed by the law applicable to the action immediately  
2-7 before the effective date of this Act, and that law is continued in  
2-8 effect for that purpose.

2-9 SECTION 3. This Act takes effect September 1, 2009.

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